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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 FEDERAL AGRICULTURAL)
12 MORTGAGE CORP.,)

No. C 03-3721 VRW (BZ)

13 Plaintiff(s),)

14 v.)

15 IT'S A JUNGLE OUT THERE ,)
16 INC dba VINTAGE CAPITAL,)
17 et al.,)

VERDICT

18 Defendant(s).)
19)
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23)
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27)
28)

AND RELATED THIRD-PARTY
CLAIM.

We, the jury, find the following verdict on the
questions submitted to us:

I. BREACH OF CONTRACT CLAIM

Question No. 1: What do you find to be the total amount
of damages sustained, if any, by the Plaintiff as a result of
Vintage Capital's breach of the contract?

Amount: \$ 1,532,458

Please proceed to the next Question.

1 **II. EXPRESS INDEMNITY CLAIM**

2 Question No. 2: Did Vintage Capital breach the express
3 indemnity provision of the contract?

4 Answer: Yes: ✓ No:

5 If your answer is "Yes," then proceed to the next
6 question. If your answer is "No," proceed to Question No. 4.

7 Question No. 3: What do you find to be the total amount
8 of damages sustained by Plaintiff as a result of Vintage
9 Capital's breach of the obligation to indemnify Plaintiff?

10 Amount: \$ 1,532,458

11 **NOTE:** As you have been instructed, in completing this
12 verdict, please award the total amount of damages, if any,
13 you conclude Plaintiff has proven on each claim; the Court
14 will make any appropriate offsets at the time judgment is
15 entered to eliminate any duplicate recovery.

16 Please proceed to the next Question.

17 **III. FRAUD CLAIM**

18 Question No. 4: Did any Defendant engage in fraudulent
19 misrepresentation or concealment?

20 Answer "Yes" or "No" as to each Defendant.

21 Vintage Capital: Answer: Yes: No: ✓

22 Robert Lee Hower: Answer: Yes: No: ✓

23 Ami Cheri Hower: Answer: Yes: No: ✓

24 If your answer is "Yes" as to any Defendant, proceed to
25 the next question. If your answer is "No" as to all
26 Defendants, proceed to Question No. 9.

1 Question No. 5: What do you find to be the total amount
2 of damages sustained by Plaintiff as a result of the
3 Defendants' fraudulent misrepresentation or concealment?

4 Amount: \$ _____

5 Please proceed to the next Question.

6 Question No. 6: Do you award Plaintiff prejudgment
7 interest as to the claim of fraudulent misrepresentation or
8 concealment?

9 Answer: Yes: _____ No: _____

10 Please proceed to the next Question.

11 Question No. 7: If you have found any Defendant liable
12 in connection with Plaintiff's claim for fraudulent
13 misrepresentation or concealment by answering "Yes" to
14 Question No. 4, did that Defendant, by clear and convincing
15 evidence, act with malice or fraud?

16 Answer "Yes" or "No" as to each Defendant:

17 Vintage Capital: Answer: Yes: _____ No: _____

18 Robert Lee Hower: Answer: Yes: _____ No: _____

19 Ami Cheri Hower: Answer: Yes: _____ No: _____

20 If your answer is "Yes" as to any Defendant, proceed to
21 the next two questions. If your answer is "No", please
22 proceed to Question No. 9.

23 Question No. 8: What amount, if any, of punitive
24 damages do you assess against any such Defendant?

25 Vintage Capital: Amount: \$ _____

26 Robert Lee Hower: Amount: \$ _____

27 Ami Cheri Hower: Amount: \$ _____

28 Please proceed to the next Question.

1 **IV. NEGLIGENT MISREPRESENTATION CLAIM**

2 Question No. 9: Did any Defendant engage in negligent
3 misrepresentation?

4 Answer "Yes" or "No" as to each Defendant:

5 Vintage Capital: Answer: Yes: ✓ No:

6 Robert Lee Hower: Answer: Yes: ✓ No:

7 Ami Cheri Hower: Answer: Yes: No: ✓

8 If your answer is "Yes" as to any Defendant, proceed to
9 the next question. If your answer is "No" as to all
10 Defendants, please sign and return the verdict.

11 Question No. 10: What do you find to be the total
12 amount of damages sustained by Plaintiff as a result of
13 negligent misrepresentation?

14 Amount: \$ ~~444,630~~ ^{444,630}

15 Please proceed to the next question.

16 Question No. 11: In connection with Plaintiff's claim
17 for negligent misrepresentation, do you find that Defendants
18 have established their claim for equitable indemnity against
19 Zions?

20 Answer: Yes: ✓ No:

21 If your answer is "Yes", proceed to the next question.
22 If your answer is "No", please sign and return the verdict.

23 Question No. 12: If you find that Defendants are
24 entitled to equitable indemnity, what percentage of the
25 damages awarded to Plaintiff with respect to Plaintiff's
26 negligent misrepresentation claim do you find should be
27 assessed against Zions?

28 Percentage: 28 %

1 Please sign this verdict and return it to the Courtroom
2 Deputy Clerk.

3 Dated: January 30, 2006

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FOREPERSON

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